SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 33/L/D/P/2009 Date: 10.02.2009

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 31st day of December, 2008 is hereby published for general information:-

THE SIKKIM TENANTS AND DOMESTIC AND PROFESSIONAL HELPS (COMPULSORY VERIFICATION) ACT, 2008

(ACT NO. 33 OF 2008)

AN

ACT

to provide for compulsory reporting and verification of antecedents of tenants and domestic and professional helps in the State of Sikkim.

Be it enacted by the Legislature of Sikkim in the Fifty-ninth Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called The Sikkim Tenants and Domestic and Professional Helps (Compulsory Verification) Act, 2008.

(2) It extents to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.

Definitions

2. In this Act, unless the context otherwise requires: -

(a) "Act" means The Sikkim Tenants and Domestic and Professional Helps (Compulsory Verification) Act, 2008.

(b) "dependent" means spouse, children, spouses of children, parents, grand parents, grand children and blood relations of a tenant, who himself resides in the accommodation covered under tenancy;

(c) "domestic or professional help" means any person not being a regular employee of the Central or State Government or Public Sector Undertaking, employed in any household or establishment in the State for performing any unskilled or skilled work in such household or establishment, or in any land, vehicle, vessel or aircraft owned or under the control of such household or establishment, whether or not they are paid remuneration in cash;

(d) "Government" means the State Government of Sikkim;

(e) "house owner" means the owner of a house or flat or building and includes the lessee of a room or rooms or accommodation in any house or flat or building, who provides tenancy;

(f) "notification" means a notification published in the Official Gazette.

(g) "prescribed" means prescribed by rules made under this Act;

(h) "tenancy" means providing room or rooms or accommodation in any house or flat or building by its owner or lessee for any purpose including running of a lodge or hostel by whatever nomenclature it may run, either on rent/charges or on lease or otherwise, but does not include accommodation or room or rooms provided by a hotel or lodge on rent or otherwise to a customer for less than thirty days;

(i) "tenant" means a person having the benefit of tenancy as defined above.

House owners to report tenancy and apply for verification of tenants

3. (1) Every house owner by himself or an agent acting on his behalf shall, within a period of 30 (thirty) days from the date of commencement of this Act in the case of existing tenancy and within 30 (thirty) days of any new tenancy provided by him, inform the Officer-in-charge of the Police Station having jurisdiction of such tenancy along with the name and details in such form, as may be prescribed, of all tenants:

Provided that this provision shall not be applicable in respect of a tenancy provided exclusively for office accommodation of any Government or Public Sector Undertakings, industry, commercial organization or establishment or institution registered and operating in Sikkim.

(2) In respect of tenancies not covered under the proviso to sub-section (1) the house owner or an agent acting on his behalf shall apply to the Officer-in-charge of the Police Station having jurisdiction, along with such documents as may be prescribed, for verification of the antecedents of all tenants:

Provided that no verification as above may be necessary if the tenant is a holder of Sikkim Subject Certificate or Certificate of Identification or voter's identity card or ration card issued by a competent authority of the Government of Sikkim or is a serving or

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retired official of the Central or State Government organization located in Sikkim and their dependents and requisite documents to prove the fact have been submitted.

Employers of domestic and professional help to report employment and apply for verification

4. (1) Every employer of domestic or professional help by himself or an agent acting on his behalf shall, within 30 (thirty) days from the date of commencement of this Act in case of existing domestic or professional help, and within 30 (thirty) days of employment of new domestic or professional help, apply to the Officer-in- charge of the Police Station having jurisdiction for verification of the antecedents of such domestic or professional help along with such documents as may be prescribed:

Provided that no verification as above may be necessary if the employer of such domestic or professional help or an agent acting on his behalf submits requisite documents to prove that such domestic or professional help is a holder of Sikkim Subject Certificate or Certificate of Identification or voter's identity card or ration card issued by a competent authority of the Government of Sikkim or is a serving or retired official of the Central or State Government organization located in Sikkim and their dependents and requisite documents to prove the fact have been submitted.

Fee and conduct of verification

5. (1) Every application under section 3 and 4 shall be accompanied by such a fee as may be prescribed.

(2) The Officer-in-charge of the Police Station shall take action to register and initiate action for verification of antecedents of the tenant or the domestic or professional help as the case may be within 15 (fifteen) days from the date of receipt of the application as afore-said from the employer or an agent acting on his behalf:

Provided that no verification as above may be necessary if the required verification has already been conducted and the tenant or domestic or professional help has only shifted his residence or place of employment from jurisdiction of one Police Station to another. In such cases, the Officer in charge of the Police Station shall seek a copy of the verification report from the concerned Police Station on receipt of information from the house owner or any agent acting on his behalf:

Provided further that above proviso shall not be valid in case there is a break from the State of Sikkim in the tenancy or the residence or employment of a domestic or professional help.

(3) Concerned Officers-in-charge of Police Stations shall maintain database in electronic form or otherwise, of all tenants and domestic or professional help living within the jurisdiction of their Police Station.

(4) The State Government may by notification modify the categories of exempted persons as may be considered expedient.

Penalty

6. (1) Any house owner violating the provisions of section 3 of this Act shall, on conviction by a Magistrate of the first class having jurisdiction, be punishable with fine which may extend up to rupees five thousand in each case.

(2) Any employer of a domestic or a professional help violating the provisions of section 4 of this Act shall, on conviction by a Magistrate of the first class having jurisdiction, be punishable with fine which may extend up to rupees five thousand in each case.

(3) No magistrate shall take cognizance of an offence under this section except upon a complaint in writing made by the officer-in-charge of a police station.

Power to make rules

7. The State Government may by notification make rules for carrying out the provisions of this Act.

BY ORDER.

R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
Law Department
File No. 16 (82)/LD/P/2009

S.G.P.G. - 36/ Gazette/ 100 Cps./ 16.02.2009